

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DALE BRETCHES,

Plaintiff,

No. C 06-05277 JSW

v.

RICHARD KIRKLAND,

Defendant.

**ORDER SETTING BRIEFING  
SCHEDULE ON DEFENDANT'S  
MOTION TO DISMISS AND  
PLAINTIFF'S MOTION TO FILE  
UNTIMELY COMPLAINT**

This matter is set for a hearing on January 8, 2010 on Defendant's motion to dismiss for failure to prosecute and Plaintiff's motion to file untimely second amended complaint. The Court HEREBY ORDERS that a oppositions to the motions shall be filed by no later than November 4, 2009 and reply briefs, if any, shall be filed by no later than November 12, 2009

If the Court determines that the matter is suitable for resolution without oral argument, it will so advise the parties in advance of the hearing date. If the parties wish to modify this schedule, they may submit for the Court's consideration a stipulation and proposed order demonstrating good cause for any modification requested.

**IT IS SO ORDERED.**

Dated: October 21, 2009

  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE